

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Case No: 03-34934-DDO

Abel Daniel Dockter,
individually,
and as surety for Doc's Coffee Co., Inc.,
Nancy Lee Dockter, individually,
and as surety for Doc's Coffee Co., Inc.,

Debtor(s).

**NOTICE OF MOTION AND MOTION
FOR OBJECTION TO CLAIM**

TO: ABEL D. AND NANCY L. DOCKTER, DEBTOR(S) AND THEIR ATTORNEY
ROBERT T WARD, 1765 GREENVIEW DRIVE SW, ROCHESTER, MN 55902,
UNITED STATES TRUSTEE AND OTHER PARTIES IN INTEREST

1. Charles W. Ries is the duly appointed and acting trustee of the above-captioned bankruptcy estate and moves the Court for the relief requested below and gives notice of hearing herewith.

2. The Court will hold on this motion on the 7th day of October, 2004 at 11:30 o'clock a.m., or as soon thereafter as counsel can be heard, before the Honorable Dennis D. O'Brien in Court Room No. 228A, at the United States Courthouse, 316 North Robert Street, St. Paul, Minnesota.

3. Pursuant to Local Rule 9006-1(b) any response to this motion must be filed and delivered not later than 11:30 a.m. on October 3, 2004, which is seven days before the time set for the hearing (including Saturdays, Sundays and holidays), or filed and served by mail not later than September 29, 2004 which is ten days before the time set for the hearing (excluding Saturdays, Sundays and holidays). **IF NO RESPONSE IS TIMELY FILED, THE COURT MAY IN ITS DISCRETION ENTER AN ORDER GRANTING THE RELIEF REQUESTED WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion or this motion is authorized under 28 U.S.C. 157 and 1334 and 11 U.S.C. 502 and Bankruptcy Rule 5005. This motion is pursuant to Bankruptcy Rule 3007 and Local Rule 3007-1.

5. That Davies Printing has filed Claim #3 in the amount of \$768.26 asserting an unsecured claim in the above-captioned bankruptcy matter. A copy of the claim is attached hereto and incorporated herein pursuant to Bankruptcy Rule 3007.

6. The claim appears to be a corporate obligation and does not appear to be a claim against the debtors individually, and should be disallowed.


7. That Capital One has filed Claim #19 in the amount of \$6,811.43 asserting an unsecured claim in the above-captioned bankruptcy matter. A copy of the claim is attached hereto and incorporated herein pursuant to Bankruptcy Rule 3007.

8. The claim appears to be a corporate obligation and does not appear to be a claim against the debtors individually, and should be disallowed.

WHEREFORE, the undersigned requests an order of the Court determining:

1. That Claim #3 of Davies Printing in the amount of \$768.26 be disallowed.
2. That Claim #19 of Capital One in the amount of \$6,811.43 be disallowed.
3. For such other relief as the Court deems just and proper.

Dated this 23rd day of August, 2004.



Charles W. Ries for
MASCHKA RIEDY & RIES
Attorneys for Trustee
200 Union Square Business Center
201 North Broad Street
P. O. Box 7
Mankato, MN 56002-0007
Telephone (507) 625-6600
Attorney License No: 12767X

VERIFICATION

Charles W. Ries, having been first duly sworn upon oath, states that he is the Trustee in the above-entitled action; that he has read the foregoing Notice of Motion and Motion for Objection to Claim, and knows the contents thereof; that the same are true and correct, except as to those matters therein stated on information and belief, and as to those matters, he believes them to be true.

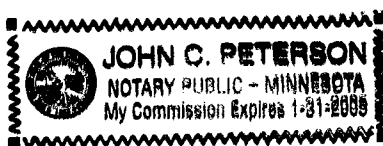


Charles W. Ries

Subscribed and sworn to before me
this 23rd day of August, 2004.



Notary Public



03 OCT 17 AM 9:41

U.S. BANKRUPTCY COURT
ST. PAUL, MN

3

Case Number
03-34934

NOTE: This form should not be used to make a claim for an administrative expense arising from the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. 1903.

- ☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- ☐ Check box if you have never received any notices from the bankruptcy court in this case.
- ☐ Check box if the address differs from the address on the envelope sent to you by the court.

Telephone Number:

Account or other number by which creditor identifies debtor: 3259

Check here if ☐ replaces
this claim ☐ amends a previously filed claim, dated _____

☒ Goods sold
☐ Services performed
☐ Money loaned
☐ Personal injury/wrongful death
☐ Taxes
☐ Other _____

☐ Retiree benefits as defined in 11 U.S.C. §1114(a)

☐ Wages, salaries, and compensation (fill out below)
Your SS #: _____
Unpaid compensation for services performed
from _____ to _____
(date) (date)

2. Date debt was incurred: 1/03

3. If court judgment, date obtained:

\$ 768.26

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

☐ Check this box if your claim is secured by collateral (including a right of setoff).
Brief Description of Collateral:
☐ Real Estate ☐ Motor Vehicle
☐ Other

Value of Collateral: \$ _____

Amount of arrearage and other charges at time case filed
included in secured claim, if any: \$

6. Unsecured Priority Claim.

☐ Check this box if you have an unsecured priority claim

Amount entitled to priority \$ _____
Specify the priority of the claim:

□ Wages, salaries, or commissions (up to \$4,650),* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).

☐ Contributions to an employee benefit plan - 11 U.S.C. §507(a)(4).

☐ Up to \$ 2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).

☐ Alimony, maintenance, or support of child - 11 U.S.C. § 507(a)(7).

☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).

**Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

7. **Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. Supporting Documents: *Attach copies of supporting documents*, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. **DO NOT SEND ORIGINAL DOCUMENTS.** If the documents are not available, explain. If the documents are voluminous, attach a summary.

9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

SEND CLAIM TO:

**U.S. BANKRUPTCY COURT
200 U.S. COURTHOUSE
316 NORTH ROBERT STREET
ST. PAUL, MN 55101**

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

01/06/13	Susan K. Driggs	Susan K Driggs, NP
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Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Case #: 0334934DDO
DISTRICT OF MN1
316 N ROBERT ST RM 200
ST PAUL, MN 55101


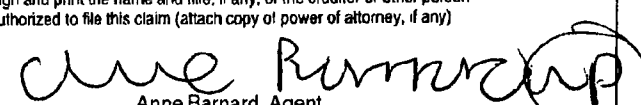
Primary Debtor: DOCS COFFEE CO LLC
NANCY L DOCKTER
Account #: 4802132194978014

CAPITAL ONE F.S.B

Account Summary for Proof of Claim (See next page)

TOTAL CHARGES

Principal:	6088.63
Interest & Fees:	722.80
Balance as of Petition Date:	6811.43

United States Bankruptcy Court DISTRICT _____ District of MN		PROOF OF CLAIM	
In re (Name of Debtor) DOCS COFFEE CO LLC NANCY L DOCKTER		Case Number 0334934DDO	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (The person or other entity to whom the debtor owes money or property) CAPITAL ONE F.S.B		<div style="text-align: center;">  </div> <div style="text-align: right; font-size: 2em; margin-top: -20px;">19</div> <div style="text-align: center; margin-top: 20px;"> <p><input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.</p> <p><input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case.</p> <p><input checked="" type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.</p> </div>	
Name and Address Where Notices Should be Sent CAPITAL ONE F.S.B P.O. Box 85167 Richmond, VA 23285			
Telephone No. 1-800-846-9966			
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: 4802132194978014		Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated: _____	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>1. BASIS FOR CLAIM</p> <p><input type="checkbox"/> Goods sold</p> <p><input type="checkbox"/> Services performed</p> <p><input checked="" type="checkbox"/> Money loaned</p> <p><input type="checkbox"/> Personal injury/wrongful death</p> <p><input type="checkbox"/> Taxes</p> <p><input type="checkbox"/> Other (Describe briefly)</p> </div> <div style="width: 50%;"> <p><input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a)</p> <p><input type="checkbox"/> Wages, salaries, and compensation (Fill out below)</p> <p>Your social security number _____</p> <p>Unpaid compensation for services performed from _____ to _____ (date) (date)</p> </div> </div>			
2. DATE DEBT WAS INCURRED Account Opened: 04/29/2002 C/O Date: 07/28/2003		3. IF COURT JUDGMENT, DATE OBTAINED: _____	
4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured Nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another. CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM AT TIME CASE FILED.			
<input type="checkbox"/> SECURED CLAIM \$ _____ Attach evidence of perfection of security interest Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly)		<input type="checkbox"/> UNSECURED PRIORITY CLAIM \$ _____ Specify the priority of the claim. <input type="checkbox"/> Wages, salaries, or commission (up to \$4000), earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contribution to an employee benefit plan - 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$1800 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Taxes or penalties of governmental units - 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Other - Specify applicable paragraph or 11 U.S.C. § 507 (a) _____	
Amount of arrearage and other charges at time case filed included in secured claim above, if any \$ _____ <input checked="" type="checkbox"/> UNSECURED NONPRIORITY CLAIM \$ 6811.43 A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.			
5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED: \$ 6811.43 (Unsecured) \$ _____ (Secured) \$ _____ (Priority)			
<input type="checkbox"/> Check this box if claim includes charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges			
6. CREDITS AND SETOFFS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.		THIS SPACE IS FOR COURT USE ONLY	
7. SUPPORTING DOCUMENTS. Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
8. TIME-STAMPED COPY: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.			
Date 12/01/2003	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) <div style="text-align: center;">  Anne Barnard, Agent </div>		

Penalty for presenting fraudulent claim: Fine up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:
Abel Daniel Dockter,
individually,
and as surety for Doc's Coffee Co., Inc.,
Nancy Lee Dockter, individually,
and as surety for Doc's Coffee Co., Inc.,

Case No: 03-34934-DDO

Debtor(s).

DECLARATION RE: SERVICE BY MAIL

The undersigned, being an employee of Maschka, Riedy & Ries, 200 Union Square Business Center, 201 North Broad Street, Mankato, Minnesota, declares under penalty of perjury that on the 23rd day of August, 2004, she served the Notice of Motion and Motion for Objection to Claim by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Abel D. Dockter
402 80th Street SE
Rochester, MN 56904

Nancy L. Dockter
402 80th Street SE
Rochester, MN 56904

Robert Ward
Ward & Oehler, LTD.
1765 Greenview Drive SW
Rochester, MN 55902

Davies Printing
2715 Pennington Court NW
Rochester, MN 55903

Capital One
PO Box 85167
Richmond, VA 23285

United States Trustee
1015 U S Courthouse
300 S 4th St
Minneapolis MN 55415

/e/Janet Anderson

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

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Abel Daniel Dockter,
individually,
and as surety for Doc's Coffee Co., Inc.,
Nancy Lee Dockter, individually,
and as surety for Doc's Coffee Co., Inc.,

Debtor(s).

ORDER

The above-captioned matter came before the Court on the motion of Charles W. Ries, trustee. Charles W. Ries appeared pro se. Other appearances are noted of record.

Based upon the complete files and argument of counsel,

IT IS HEREBY ORDERED:

1. That Claim #3 of Davies Printing in the amount of \$768.26 is disallowed.
2. That Claim #19 of Capital One in the amount of \$6,811.43 is disallowed.

Dated this _____ day of _____, 2004.

Honorable Dennis D. O'Brien
Judge of Bankruptcy Court